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Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted pursuant to General Assembly resolution 66/141, in which the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda.

Covering the period from August 2011 to August 2012, the present report provides an overview of progress on the children and armed conflict agenda, followed by an account of new developments. Section II details progress made over the past year, including in efforts to combat impunity and to end the recruitment and use of children; the identification of good practices in the monitoring and reporting of grave violations against children; steps taken towards universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the mainstreaming of child protection within the United Nations system; collaboration with child protection partners; and awareness-raising. Section III highlights emerging issues of concern and opportunities for ensuring the protection of conflict-affected children, focusing on three themes: the prevention of recruitment and use of children by armed forces and groups; the development of further cooperation with regional organizations on the children and armed conflict agenda; and the challenge posed by explosive weapons, in addition to possible avenues for tackling that challenge. The report concludes with a set of actionable recommendations on the protection of children affected by conflict for the attention of the General Assembly.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/141 on the rights of the child, in which the Assembly requested the Special Representative to submit a report on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda. The present report covers the period from August 2011 to August 2012 and provides an overview of progress made in the children and armed conflict agenda over the past year, including in achieving accountability for grave violations against children, and focuses on three thematic areas: the prevention of recruitment and use of children by armed forces and groups; the development of further cooperation with regional organizations on the children and armed conflict agenda; and the challenge posed by explosive weapons, in addition to possible avenues for tackling that challenge. The report ends with recommendations aimed at enhancing the protection of children affected by conflict.

II. Overview of progress on the children and armed conflict agenda

A. Efforts to combat impunity

2. Since the previous report of the Special Representative (A/66/256), two milestone verdicts — by the International Criminal Court and the Special Court for Sierra Leone — have pushed the boundaries of accountability for violations against children committed during armed conflict and established path-breaking jurisprudence on the war crime of recruitment and use of children. On 14 March 2012, the International Criminal Court delivered its verdict in *The Prosecutor v. Thomas Lubanga Dyilo*. Thomas Lubanga, a warlord who had operated in the Ituri region of the eastern Democratic Republic of the Congo, was convicted of the crimes of conscripting and enlisting children under the age of 15 years into his armed group, the Forces patriotiques pour la libération du Congo, and of using them to participate actively in hostilities. On 26 April 2012, the Special Court for Sierra Leone found the former President of Liberia, Charles Taylor, guilty of aiding and abetting war crimes committed by the Revolutionary United Front (RUF) during the 1991-2002 civil war in Sierra Leone.

3. The two verdicts set important precedents. They send a powerful signal to perpetrators of war crimes and crimes against humanity around the world that their acts will not go unpunished. Anecdotal evidence from child protection practitioners in the field suggests that both cases have not passed unnoticed: parties to conflict are cognizant of the cases and the implications for their own behaviour. Important international jurisprudence was established in both cases and is discussed below. In addition, in the context of the legal proceedings of these two courts, new practice is emerging, and concomitant lessons learned, in relation to the participation of children in legal proceedings as both victims and witnesses. The Special Representative hopes that these precedents will turn the tide against impunity, not only through international or hybrid courts, but also in the context of prosecution by national courts.

1. Special Court for Sierra Leone: setting precedents for criminal responsibility

4. The Special Court for Sierra Leone, set up as a hybrid judicial body to investigate, prosecute and try those bearing the greatest responsibility for war crimes and crimes against humanity committed during the armed conflict in Sierra Leone, was the first international court to determine that the recruitment and use of children aged under 15 years constituted a war crime under customary international law. Consequently, for the first time in history, a small number of children also testified as witnesses before the Court.

5. In view of the large number of children who participated in the civil war, the statute of the Court gave the Court jurisdiction over alleged crimes committed by any person of 15 years of age or older associated with armed actors at the time of the alleged commission of the crimes. Early in his tenure, however, the first Chief Prosecutor of the Court stated that as a matter of policy he did not intend to indict persons for crimes that they had committed when they were children, but instead to prosecute those who bore the greatest responsibility for those crimes, interpreted as the adult recruiters and commanders.

6. The Court's judgement against Charles Taylor marks the first time that a former Head of State has been convicted of war crimes against children that were committed by an armed group that was found not to be under his direct command and control. The Court established that the practical assistance, encouragement and moral support that Charles Taylor gave to RUF rebels in neighbouring Sierra Leone while serving as the President of Liberia was sufficient to make him criminally responsible for the recruitment and use of children, in addition to the killing, mutilation, rape and enslavement of civilians, including children, performed by RUF combatants.

2. First case of the International Criminal Court dealing with the war crime of recruitment and use of children

7. Crimes committed against children during armed conflict have figured prominently in indictments issued by the International Criminal Court in cases in the Central African Republic, the Democratic Republic of the Congo and Uganda. Although these are but a few cases compared to the number of perpetrators, when combined with the verdict in the trial of Thomas Lubanga, these indictments serve as a useful deterrent against child recruitment in situations of armed conflict.

8. The acts of conscripting or enlisting children under the age of 15 years into national armed forces or using them to participate actively in hostilities are recognized in the Rome Statute of the International Criminal Court as war crimes in conflicts of international and non-international character. Those acts are not, however, defined in the Statute, with it left to the Trial Chamber to provide legal interpretation.

9. In 2008, the Special Representative testified as an expert witness before the Court and submitted an amicus curiae brief providing clarification on the terms "conscripting and enlisting children" and "using them to participate actively in hostilities". She argued therein that there was in fact no distinction between voluntary enlistment and forced recruitment, pointing out that children were not always recruited through abduction or the brute use of force. Recruitment also took place in the context of, among other things, poverty, ethnic rivalry and ideological

motivation. In many cases, children had lost their family or been separated from their parents. Deprived of the protection of their community, they had no option but to join armed groups for their survival. In such circumstances, the consent given by a child could not be regarded as truly voluntary.

10. Furthermore, the Special Representative reasoned that the term "active participation" included direct support functions linked to combat, such as acting as scouts, messengers and porters. Children performed a myriad of functions that supported armed groups or forces and that exposed them to potential risk. In addition, girl child soldiers often played multiple roles: they were recruited to fight on the front line and performed support functions, including being used for sexual purposes and subjected to rape, forced marriage and other forms of sexual violence.

11. In its judgement, the Trial Chamber accepted that "conscription" and "enlistment" were both forms of recruitment, in that they referred to the incorporation of a boy or a girl under the age of 15 years into an armed group, whether coercively or voluntarily. It endorsed the conclusions of the Special Representative in that regard, stating that children could not give "informed" consent because they possessed limited understanding of the short-term and long-term consequences of their choices and actions and did not control or fully comprehend the structures and forces with which they were faced. In addition, it indicated that the line between voluntary and forced recruitment was both legally irrelevant and practically superficial in the context of children in armed conflict. The Chamber also decided to apply a broad interpretation of the term "participate actively in hostilities", holding that it included a wide range of individuals, from those on the front line (who participated directly) to the boys or girls who were involved in a myriad of roles that supported the combatants. It stated that all those activities, which covered either direct or indirect participation, had an underlying common feature: the child concerned was, at the very least, a potential target. The Trial Chamber also made a distinction between "direct participation" (classically used to determine combatant status under international humanitarian law) and "active participation" (the criterion for the use of children in hostilities), holding that the latter was to be interpreted broadly, without conferring combatant status on those children.

12. The Court's experience with its first witness, a former child soldier who recanted his initial testimony because of the presence of the defendant in the courtroom, revealed the challenge of drawing on evidence from children while ensuring their protection. This experience, among others, set in motion innovative approaches to protecting the rights and best interests of children during judicial proceedings, including alternative forms of participation. Special measures were established by the Court, including the use of screens between the witness and the accused, pre-statement and post-statement counselling, closed sessions and voice and image distortion. The Court also introduced the concept of "victim status" as an alternative, less intrusive way of ensuring access to justice for children. That status allows child victims to choose whether to participate in hearings in person or through legal representatives and allows for a larger number of children to participate while reducing stress and anxiety.

13. Other lessons can be learned from the verdict. For example, the evidence provided by child soldiers was not accepted by the judges, for various reasons. A key concern was the use of intermediaries to identify and support the witnesses

during the trial because those intermediaries were believed to have contaminated the evidence provided. In some cases, the former child soldiers simply could not remember the circumstances of their recruitment and use by the Forces patriotiques pour la libération du Congo. These experiences will, it is hoped, inform the development of best practices by the Court for use in future cases.

B. Progress made in ending child soldiering

14. In line with the mandate of the Special Representative to promote the collection of information about the plight of children affected by armed conflict, in addition to General Assembly resolutions 64/146, 65/197 and 66/141, in which the Assembly called upon relevant parties to conflict to take time-bound and effective measures to end grave violations against children, considerable progress has been made since the previous report of the Special Representative in eliciting commitments from armed forces and groups to end the recruitment and use of children. During the reporting period, five parties signed action plans with the United Nations to halt child soldiering: the Armée populaire pour la restauration de la république et la démocratie and the Convention des patriotes pour la justice et la paix, armed groups operating in the Central African Republic, in October and November 2011, respectively; the Sudan People's Liberation Army, in South Sudan, in March 2012; the Government of Myanmar, in June 2012; and the Transitional Federal Government of Somalia, in July 2012. This brings the total number of action plans signed to 19, the fruit of a collaborative effort between the Office of the Special Representative, country-level task forces, including the United Nations Children's Fund (UNICEF), and, where relevant, peacekeeping or special political missions.

15. Action plans set out a comprehensive process by which the party to conflict will cease the recruitment and use of children in a durable manner. As such, they broadly involve four main components: verification and identification of children in the ranks of the armed forces or group; separation of children from the armed forces or group; the establishment of prevention mechanisms, including the strengthening of the domestic legal framework prohibiting child recruitment, the issuance of directives to uniformed personnel and the establishment of punitive measures for offenders; and the socioeconomic and psychosocial reintegration of children into civilian life. They also serve as key documents to monitor commitments by armed forces and groups to end grave violations against children.

16. The Special Representative dispatched technical missions to Nepal and Sri Lanka in December 2011 and January 2012, respectively, to review and report on compliance by the parties with their action plans. Upon verification of full compliance, two parties did not feature in the 2011 edition of the lists maintained by the Secretary-General of perpetrators of grave violations against children (A/66/782-S/2012/261, annexes I and II): the Unified Communist Party of Nepal-Maoist, which signed an action plan in 2009, and the Iniya Bharathi faction in Sri Lanka, which signed an action plan in 2008 while part of the Tamil Makkal Viduthalai Pulikal.

17. The Office of the Special Representative, in collaboration with key United Nations partners, has continued to encourage parties who have not yet entered into dialogue with the United Nations, or signed an action plan, to do so. It has also

provided United Nations colleagues in the field and parties to conflict with technical support and guidance for the preparation and implementation of action plans. A growing concern is the number of persistent perpetrators of grave violations against children. Currently, 32 parties to conflict have been listed by the Secretary-General for at least five years and are therefore considered persistent perpetrators.

C. Good practices in monitoring and reporting

18. In an effort to capture good practices and facilitate knowledge-sharing between United Nations teams implementing the monitoring and reporting mechanism on grave violations against children established in accordance with Security Council resolution 1612 (2005), the Office of the Special Representative worked with UNICEF, the Department of Peacekeeping Operations and the Department of Political Affairs to conduct a joint global study, focusing on experiences in Afghanistan, the Democratic Republic of the Congo and Uganda, while also gathering information from further afield on experiences in implementing the mechanism. The good practices documented in the study may be replicable in other country contexts, with the overall aim of continuing to strengthen and improve monitoring and reporting activities.

19. Key findings in the study include:

(a) Broad participation and ownership by the United Nations organizations operating in the country is fundamental in maximizing the potential of the mechanism;

(b) The impact of the mechanism is maximized when a clear Government counterpart is defined and a Government focal point appointed;

(c) In country situations in which there was significant engagement by the senior management, in particular the head of mission, the resident/humanitarian coordinator and/or the UNICEF representative, the effectiveness of the mechanism increased, facilitating productive dialogue with parties to conflict;

(d) Each United Nations entity has unique technical expertise and advocacy, monitoring and programmatic capacity. Broader participation of United Nations entities ensures better monitoring, reporting and response for victims of grave violations;

(e) Integrating child protection concerns into peace agreements and structures helps in engaging parties to conflict;

(f) Sharing information collected through the mechanism with broader human rights actors contributes to increasing the accountability of parties to conflict;

(g) Systems to manage information on grave violations help to identify vulnerable locations and thus devise preventive actions;

(h) It is crucial for the peace mission and United Nations entities who are members of the mechanism's country task force to receive dedicated resources for child protection, for staffing and to support child victims, if they are to deliver on the child protection mandate;

(i) In many countries, it is challenging to monitor and report on cases of sexual violence. Accordingly, further opportunities to gather information on sexual violence should be explored through alternative data collection systems in use at the country level, while upholding the principle of "do no harm".

D. Update on ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

20. During the reporting period, the Office of the Special Representative continued to advocate the strengthening of the global legal and normative framework for the protection of children, including through the implementation of the campaign for the universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The campaign, dubbed "Zero Under 18", has been conducted in collaboration with UNICEF, the Office of the Special Representative of the Secretary-General on Violence against Children and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Optional Protocol, adopted in 2000, prohibits the forced recruitment of children under the age of 18 years by armed forces and armed groups and their direct participation in hostilities.

21. The Special Representative participated in a forum organized by the Government of Belgium in February 2012 to mark the tenth anniversary of the entry into force of the optional protocols to the Convention. Other activities to create awareness of and momentum around the campaign included the provision of technical advice to Member States on the ratification process, the launch of a social media campaign promoted by celebrities and the issuance of several public statements in which the need for further ratifications was stressed.

22. Between August 2011 and August 2012, the Optional Protocol was signed by Saint Lucia and ratified by San Marino. In addition, four States (Côte d'Ivoire, Grenada, Malaysia and the Niger) acceded to the Optional Protocol, bringing the total number of States parties to 147. To date, 23 States have signed the Optional Protocol but not ratified it, while 24 have neither signed nor ratified.

E. Mainstreaming child protection within the United Nations system

23. The Special Representative has continued to accord priority to mainstreaming child protection expertise within the United Nations system, in line with her mandate to foster international cooperation to ensure respect for children's rights in situations of armed conflict. Child protection focal points in the Department of Peacekeeping Operations and the Department of Political Affairs play an important role in mainstreaming child protection at Headquarters and providing support to field-based child protection advisers, working closely with the Office of the Special Representative.

24. The Department of Peacekeeping Operations-Department of Field Support child protection policy directive established in 2009, referenced in the previous report of the Special Representative, has continued to guide child protection activities and the role of child protection advisers in peacekeeping settings. It has

also enhanced the visibility of child protection concerns and provided focus and clarity on generic child protection priorities within United Nations missions. The Office of Special Representative, the Department of Peacekeeping Operations and the Department of Political Affairs are currently working together to update the policy directive and to integrate the perspective of the Department of Political Affairs, which adopted the policy directive in 2010.

25. Ensuring adequate child protection capacity in peacekeeping and special political missions is crucial for the mainstreaming of child protection concerns among uniformed and civilian peacekeepers and staff members, and for the collection of accurate, objective, reliable and verifiable information on the plight of children. Child protection advisers are currently deployed in eight peacekeeping missions and three special political missions.

26. The role of the General Assembly, through its Third and Fifth Committees, in supporting child protection capacity in the challenging and fragile environments in which United Nations missions are deployed has been vital to ensuring an adequate response by the Organization to child protection concerns. Child protection advisers and officers play a critical role in ensuring that uniformed and civilian personnel are aware of the ethical criteria against which they are held with regard to child protection, in making certain that the mission's substantive activities are sensitive to children's needs and in gathering information on violations against children taking place in the mission's area of operations.

F. Collaboration with child protection partners

27. Central to the mandate of the Special Representative is collaboration and coordination with other United Nations entities, Member States and non-governmental bodies involved in child protection. The principles of complementarity and partnership underpin the Special Representative's strategic plan and have characterized her tenure to date. Collaboration on three broad areas of work merit highlighting in this regard.

28. With a view to strengthening the collection of information on the plight of children affected by armed conflict, the Office of the Special Representative has worked closely with UNICEF, the Department of Peacekeeping Operations, the Department of Political Affairs and other partners with a field presence to develop technical guidance on monitoring and reporting violations against children. To ensure that the mechanism in place for information collection and advocacy is responsive and adaptive, the good practice study described in paragraphs 18 and 19 of the present report was conducted in partnership with key United Nations child protection actors. Collaborative efforts continue to expand, with new partnerships being developed with the United Nations Educational, Scientific and Cultural Organization and the World Health Organization for the implementation of Security Council resolution 1998 (2011) and with the International Labour Organization on economic reintegration.

29. UNICEF has been a key partner in the signature and implementation of action plans to end grave violations against children. Its role ensures implementation of and follow-up to reintegration programmes for children being separated from armed forces or groups. This complementary approach marries the role of the Special

Representative as a moral voice and advocate for children affected by armed conflict with the programmatic and technical expertise of UNICEF, creating a multiplier effect in the two entities' contribution to child protection.

30. In the area of advocacy, the Special Representative has collaborated with Member States and key child protection actors on specific areas of common interest. For example, she hosted a panel discussion with representatives of the Governments of Colombia and Sierra Leone in October 2011 to share experiences in the prevention of violations against children. Similarly, the campaign for the universal ratification of the Optional Protocol on the involvement of children in armed conflict, described in paragraph 20 of the present report, is a joint endeavour with UNICEF, the Office of the Special Representative of the Secretary-General on Violence against Children and OHCHR.

G. Advocacy efforts

31. The Special Representative, in her role as global advocate for children affected by armed conflict, continued to act as the moral voice for children in conflict zones. Through field trips, outreach and use of traditional and social media, she voiced the concerns of children in conflict areas, sought to increase solidarity with children affected by armed conflict and maintained a sense of urgency among key decision makers and other constituencies.

1. Field visits

32. The Special Representative's emphasis on field missions continued to be central to her advocacy efforts. Field visits enable first-hand assessments of the situation of children, engagement with Governments to support their efforts in protecting children, the securing of specific commitments from parties to conflict on child protection and support for the implementation of monitoring and reporting activities, and dialogue with relevant parties. During the reporting period and upon the invitation of the Governments concerned, the Special Representative carried out field visits to the Central African Republic and Somalia (November 2011), South Sudan (March 2012) and Myanmar (June 2012).

33. While in the Central African Republic, the Special Representative witnessed the signature of an action plan with the Convention des patriotes pour la justice et la paix, an armed group, to end the recruitment and use of children. Since then, progress has been made in the identification, separation and socioeconomic reintegration of children. The Special Representative also met the Prime Minister and other senior Government officials in Bangui and conducted field visits to Ndele and Obo. In Obo, she met victims of the Lord's Resistance Army (LRA) and representatives of local authorities, civil society and the Ugandan People's Defence Forces. As a result of her direct advocacy vis-à-vis the Speaker of the National Assembly, the Central African Republic ratified the Optional Protocol on the involvement of children in armed conflict in December 2011.

34. In Somalia, the Special Representative met the President, Prime Minister and other officials of the Transitional Federal Government. She also visited Marino Camp in central Mogadishu, where former Al-Shabaab combatants, including children, were being held by the Transitional Federal Government. During her visit,

the Transitional Federal Government committed itself to signing and implementing an action plan to end the recruitment and use of children by its forces. The Special Representative also met the Force Commander of the African Union Mission in Somalia (AMISOM), who reiterated the Mission's commitment to protecting civilians, and children in particular, during its operations. He pledged to continue to provide maximum support for efforts to identify and separate children from the forces of the Transitional Federal Government, including through the appointment of a child protection adviser in AMISOM.

35. The Special Representative travelled to South Sudan to assess the situation of children affected by conflict. She met the President, Salva Kirr, senior Government officials and other United Nations and civil society partners. She travelled to Malakal and Renk, where she visited refugee camps and met South Sudanese returning from the Sudan. She witnessed the signature of an updated action plan to end the recruitment and use of children by the South Sudanese armed forces, which will continue to implement the action plan initially signed in 2009, before independence, with United Nations support. She also advocated the educational rights of children in South Sudan, where currently only 4 per cent of young people are enrolled in secondary education. She stressed the importance of according priority to education in Government and donor budget allocations.

36. In June 2012, the Special Representative travelled to Myanmar to sign an action plan with the Government for the release of children associated with the Myanmar Armed Forces (Tatmadaw). The action plan provides for the release, verified by the United Nations, of children associated with the armed forces and prevention of further recruitment; the strengthening of recruitment procedures; awareness-raising; the strengthening of disciplinary action against perpetrators; access to military bases, prisons and other places where children may be; and reintegration. Of particular significance is the Government's agreement to add specific provisions allowing access to non-State actors who have signed, or are in the process of signing, peace agreements with the Government so that they are able to prepare similar action plans to halt child recruitment and use. The Special Representative met Government officials, including the President and the ministers of defence, labour and social affairs, and foreign affairs, in addition to the presidents of the upper and lower houses. She also met representatives of United Nations entities, members of the diplomatic community and civil society and children formerly associated with the armed forces.

2. Advocacy in relation to the Lord's Resistance Army

37. Over the past year, unprecedented attention has been paid to the LRA issue. In June 2012, the Secretary-General issued his first report on the situation of children and armed conflict affected by LRA (S/2012/365). Building on that momentum, to deepen awareness of the impact of the armed group on children, the Office of the Special Representative co-hosted an event with the Permanent Mission of Germany to the United Nations and the International Peace Institute that featured the participation of the Deputy Permanent Representative of Uganda to the United Nations and Grace Akallo, an activist and LRA survivor. Other activities to raise awareness of the LRA issue included a press conference on the report of the Secretary-General and public statements on the handling of captured LRA commanders.

III. Children and armed conflict: areas of development

A. Prevention of child recruitment

38. Children become associated with armed forces and groups for various reasons. In some situations, they are forcibly recruited or abducted by armed elements, or coerced and intimidated into joining them. Recruitment of children also takes place in the context of poverty, discrimination, revenge and loyalty to an ethnic, religious or tribal group. Often, insecurity and displacement propel children, especially those who have become separated from their families, to join an armed group for protection and survival.

39. Given the complex set of factors influencing child recruitment, prevention strategies, to be successful, require a holistic approach. Broadly, three approaches to prevention can be identified: effective legal prevention mechanisms at the national level, strengthening community protection mechanisms at the local level and providing children with alternatives to mobilization.

1. Development, dissemination and enforcement of the law

40. The criminalization of underage recruitment and the domestication of international norms and standards against the recruitment and use of children are crucial first steps in the prevention of child soldiering. Setting the parameters of who can be lawfully recruited into armed forces and groups, and ensuring that those who do not abide by those parameters may receive punishment, is the basis for regulation. Effective criminalization can be hindered by amnesties and de facto immunities granted to members of armed forces suspected of serious human rights abuses and/or armed groups that will become part of a national army in the framework of a peace process. In developing legal provisions, care must be taken to ensure that amnesties are not applicable to individuals who recruited or recruit children.

41. Laws are not effective, however, if there is no implementation or awareness of their existence. Measures to foster their dissemination are therefore also critical for prevention. These may include the creation of child protection units in the military, which have played an important role in countries such as South Sudan and the Sudan. Educational training programmes to inform armed forces and groups of the legal protection for children during armed conflict are equally important in increasing awareness of and compliance with international norms.

42. At the national level, effective investigations and prosecutions are potentially powerful prevention tools but are often hindered by lack of resources and capacity. The failure to investigate grave violations against children or to sanction those responsible is often linked to broader accountability issues. Short of systematic prosecution, a system for deterrence should be built through the prosecution of the most persistent violators. In addition, practical measures can be implemented by Governments to prevent underage recruitment, such as free birth registration or alternative mechanisms for age verification, in addition to conscription policies and mandatory vetting procedures to monitor child recruitment by national armies.

2. Strengthening family and community protection mechanisms

43. Where State institutions are weak, prevention must begin at the community level. Establishing and strengthening community protection mechanisms and raising the awareness of families, communities and their leaders of the issue are other critical factors for prevention. Child protection and recruitment prevention policies are unlikely to work in contexts in which the community promotes the association of children with armed groups. Children are also most vulnerable to recruitment when family and community protection systems are weakened. In some contexts, children join armed groups because they are encouraged to do so by their families and/or communities. Abusive family environments can also propel children on to the streets, where they are more vulnerable to recruitment, or directly into the ranks of an armed group. In Colombia, for example, the decision of children, mainly girls, to run away and join an armed group has been found to be closely linked to domestic exploitation and physical and sexual abuse.

44. Communities can prevent the voluntary or forced association of children with armed forces and groups in several ways. Community-based child protection systems can warn of the threat of recruitment or rerecruitment. Where armed groups depend on the moral or material support of the community, community structures may be able to put pressure on local commanders to release children and provide support for their protection. Community figures such as elders, traditional and/or religious leaders can also reach non-State parties to promote child protection commitments and prevent recruitment. In Afghanistan, for example, elders have in some cases reached agreements with local commanders to impede the recruitment of children and to stop attacks on schools. Community-based child protection systems can also help to reduce the overall vulnerability of children and provide special protection to children living and working in the streets, orphans and separated children, who are at particular risk of recruitment.

45. Partnering with and building the capacity of local child protection systems requires a situation analysis of each country in order to identify the strengths of and gaps in child protection systems at both the national and community levels. Community-based child protection mechanisms have been found to be a highly diverse and adaptable approach to child protection in different contexts. In some situations, child protection mechanisms have sprung out of women's associations and have been engaged in collecting information on violations of children's rights and in protecting children at particular risk of recruitment. Other community-led protection networks spring up spontaneously or are fostered by non-governmental organizations working with the community.

46. Initiatives to raise community awareness about the rights of children and the long-term implications of children's association with armed groups and to promote attitudinal change or encourage the intervention of community and religious leaders to halt child recruitment should be conducted in close collaboration with parents, community and religious leaders, teachers and children themselves. Dialogue to foster community ownership is crucial, as are consultations that aim at identifying and building on existing positive practices.

47. A common challenge is the creation of linkages between local, community-based protection structures, on the one hand, and elements of the formal child protection system and Government services, on the other. Often, the existence of

strong legal and policy frameworks notwithstanding, Government-led services are not filtering down to the communities. In extremely fragile contexts, the weakness of the State and its lack of control over all areas may be a factor accounting for gaps in Government services at the community level. In other contexts, it is a sign of insufficient priority and resources being accorded to the commitments made in the national framework. In the absence of formal mechanisms, community-led mechanisms often step in. These may include groups formed specifically for the purpose, such as child protection committees or community care coalitions, or they may simply consist of existing structures, such as women's groups, faith-based organizations and other community associations that take on a role in protecting children. To be effective, these mechanisms need adequate funding, capacity and knowledge to deal with child protection issues.

3. Empowering children through education, skills and livelihood opportunities

48. In many contexts, joining armed forces or groups is a deliberate choice for children who otherwise lack opportunities and a sense of purpose in life. It is unlikely that children will want to leave an armed group or refrain from rejoining unless the reasons why they originally volunteered have been addressed.

49. Ensuring children's access to education is itself a powerful means of reducing the risk of joining armed forces or groups in conflict-affected countries or fragile situations. Research has suggested that, in some contexts, the higher the level of education received, the less likely a child is to mobilize voluntarily. If children attend school, they are less likely to join armed forces or groups because they have other alternatives. In contrast, a lack of access to education leads many young people to see military training as their only opportunity to provide for themselves and their families. In situations of armed conflict, when the protective function of schools is most required, schools often become targets for attacks. The use of schools for military purposes equally reduces the likelihood of children attending school. All stakeholders must therefore ensure that schools are protected. Measures that field-based practitioners in conflict settings have used to prevent schools from being attacked include physical protection, community involvement in protection of schools, alternative delivery of education, negotiations with stakeholders to make schools zones of peace, restrictions on the military and political use of schools, and advocacy initiatives.

50. The recruitment of children into armed forces or groups has been documented as being often closely connected to poverty and social disadvantage. Poverty, often combined with social exclusion, has been found to stir the frustration of young people and create incentives for them to join armed groups. In many post-conflict societies, young people have little choice but to remain unemployed or accept short-term and exploitative work. Accordingly, providing children and young people with alternatives through high-quality education, both formal and non-formal, and national programmes for job creation and income generation for young people should be top priorities in national prevention strategies. Donor agencies should also accord priority to work in this regard. Food security and livelihood measures, tailored to the specific economic context, together with cultural and psychosocial support activities, can also contribute to preventing the recruitment and the rerecruitment of children.

B. Cooperation with regional organizations on children and armed conflict

51. Contemporary warfare continues to take a heavy toll on civilians, with the increased use of explosive weapons in populated areas by non-State armed groups, the use of new technologies that have in some instances resulted in civilian casualties and the use of children as combatants, weapons of war (e.g. victim bombers) and sexual slaves, among other things. With the growing involvement of regional organizations in peace enforcement and peacekeeping operations, often to deal with the main perpetrators of violations against children, the prominence of child protection concerns during such operations has increased. This highlights the need to further integrate child protection considerations into the work of regional organizations at the political/strategic and operational/tactical levels. Forces mandated by the North Atlantic Treaty Organization (NATO) and the African Union, for example, are exposed to child soldiering and the use of child victim bombers and must also ensure that their operations are consistent with their obligations under international humanitarian and human rights law, as they relate to children, including with regard to the use of new technology.

52. A key aspect of the mandate of the Special Representative is to foster international cooperation, including with regional and subregional organizations, leading to the respect of child rights and protection of children during situations of armed conflict. This is consistent with the recognition in Chapter VII of the Charter of the United Nations of the important role that regional organizations may play in complementing the efforts of the Security Council in the maintenance of international peace and security. With this in mind, since the establishment of the mandate of the Special Representative by the General Assembly, a central strategy of the Office has been to mainstream child protection in the operations and actions of peacekeeping bodies of the United Nations and of regional organizations. As such, the Special Representative has launched a series of initiatives aimed at ensuring that child protection considerations stemming from international humanitarian law and human rights law are fully integrated into the policies and practices of key regional partners.

1. European Union

53. In 2003, as a result of collaborative efforts with the Office of the Special Representative, the European Union adopted and later updated guidelines on children and armed conflict, in which the Union committed itself to addressing the impact of armed conflict on children in non-European Union settings, in the context of the Union's human rights policy, Common Foreign and Security Policy and policies on development cooperation and humanitarian aid. The guidelines propose a number of tools in this regard, including monitoring and reporting of violations by European Union heads of delegation, military commanders and special representatives, and the identification of political and diplomatic actions by the Union to advocate the protection of children. Tools for engagement with third parties include diplomatic initiatives, political dialogue and multilateral cooperation. Where the Union deploys crisis management operations involving civilian and/or uniformed personnel, it commits itself to taking into account, where appropriate, the specific needs of children during operational planning. Subsequently, the Union prepared a checklist for the integration of protection of

children affected by armed conflict into operations mandated through the Common European Security and Defence Policy, which seeks to ensure that child rights and protection concerns are systematically addressed in such operations.

54. Combined, the guidelines and the checklist provide multisectoral and wide-ranging guidance to European Union missions deployed in the context of the Common European Security and Defence Policy and to Union delegations based in conflict-affected countries. They also guide member States' bilateral policy in conflict contexts. While the development of this policy framework is an achievement in itself, efforts must now be made by the Union and its member States to fully draw on the guidance that it provides.

2. North Atlantic Treaty Organization

55. Since 2009, the Office of the Special Representative has been engaging with NATO, at their respective headquarters and in the field, to strengthen cooperation and better protect children affected by armed conflict. Consequently, in its Chicago Summit Declaration of 20 May 2012, NATO Heads of State and Government stated their commitment to the implementation of Security Council resolutions on children and armed conflict and noted with concern the growing range of threats to children in armed conflict. Significantly, they also pointed out that NATO-led operations, such as the International Security Assistance Force in Afghanistan, were taking an active role in preventing, monitoring and responding to violations against children, including through predeployment training and a violations alert mechanism, in collaboration with the United Nations.

56. In this context, in February 2012, NATO appointed its Assistant Secretary General for Operations as the high-level focal point for children and armed conflict, in charge of maintaining close dialogue with the United Nations and exploring further opportunities for mainstreaming child protection in NATO training and operations. This welcome development should facilitate the identification and dissemination of good practices, based on the experience of the International Security Assistance Force, to be integrated into NATO predeployment training.

3. African Union

57. African States have been key partners of the children and armed conflict agenda and cooperation with the African Union on child protection is taking place, albeit in an ad hoc manner. Support is being provided in the form of the deployment of child protection advisers to AMISOM and training for Union troop-contributing countries. Nevertheless, in the light of the Union's increasingly multifaceted role in prevention, mediation and stabilization, a systematic approach to engagement with the children and armed conflict agenda is proposed.

58. Partnership with the African Union on the children and armed conflict agenda could take the form of technical support for the development of guidelines, capturing the tools at the Union's disposal for the integration of child protection into various aspects of its work, including with regard to mediation and peace support operations. This could build on the Union's existing protection mechanisms, such as the civilian casualty tracking, analysis and response cell of AMISOM. Training packages on children and armed conflict for civilian and uniformed personnel could

be developed alongside the guidelines. As a first step, the designation of a focal point on children and armed conflict should be considered.

C. Explosive weapons

59. Explosive weapons, defined as weapons that cause injury, death or damage by projecting explosive blast, and often fragmentation, from the detonation of an explosive device, have a devastating impact on civilians, including children, especially when used in highly populated areas. Such weapons, which include air-dropped bombs, grenades, landmines, improvised explosive devices and mortars, tend to have effects that users cannot foresee or control accurately and therefore carry a great risk of being indiscriminate in their impact.

60. The use of explosive weapons by armed forces and groups often results in the commission of violations against children, including the injury, maiming and killing of children, the recruitment of children as suicide and victim bombers, the damaging and/or destruction of civilian installations such as schools and hospitals, and the denial of humanitarian access, for example through the planting of landmines. They also cause long-lasting harm by damaging children's emotional stability, education and future opportunities.

61. Explosive weapons with wide-area effect, such as multiple-launch rockets, high-explosive artillery, mortars, car bombs and other improvised explosive devices, are a particular cause for concern. In 2011, mortar and artillery shells, which are indiscriminate weapons traditionally used against massed infantry, killed and injured children in Libya, Somalia and the Syrian Arab Republic, among others. In Afghanistan and Iraq, there has been an increasing number of complex attacks involving the combination of two or more attacks on one target using explosive weapons by armed groups. These attacks, usually perpetrated against Government institutions, resulted in significant child casualties. Aerial bombardments and drone attacks in countries such as Pakistan and Yemen have also killed and injured children.

62. In most of the 23 country situations reflected in the report of the Secretary-General on children and armed conflict covering the period from January to December 2011 (A/66/782-S/2012/261), explosive weapons were used in direct physical attacks against schools and hospitals, a grave violation of children's rights. They posed a threat to children and medical and educational personnel, resulting in the forced closure or the compromised functioning of those institutions. In some country situations, children were denied humanitarian access because of the presence of explosive remnants of war from previous conflicts.

63. In 2011, 22 incidents were reported of children being used by armed groups to carry out suicide attacks in Afghanistan and Pakistan, including one 8-year-old girl and one 9-year-old girl. Some of those children were victim bombers, unknowingly carrying explosive packages.

64. While recognition of the distinct problems associated with explosive weapons has grown over time, there is a need for further policy attention and immediate action to effectively protect children from such weapons. There is also a need for greater acknowledgement that the use of such weapons, especially those with wide-area effect and those used in densely populated areas, severely harm children and

communities. Systematic data collection and analysis of the human cost of these weapons is critical to the development of baseline information, which would in turn further strengthen the empirical basis for advocacy efforts to better protect children. In the context of the monitoring and reporting mechanism on grave violations against children, the Office of the Special Representative will, together with United Nations partners, endeavour to gather disaggregated and more detailed information on child casualties resulting from the use of such weapons. The Office will also advocate the inclusion of specific provisions against the use of explosive weapons in action plans signed by parties to conflict that aim at halting the killing and maiming of children.

IV. Recommendations for the way forward

65. **The Special Representative urges Member States to enact appropriate national legislation to criminalize grave violations against children, including the recruitment and use of children in armed forces and armed groups, which has been defined in the Rome Statute as a war crime, and also to bring adult recruiters to justice in national courts. In this regard, the international community should support Member States, where appropriate, to develop and strengthen national capacity for the administration of justice.**

66. **International and national courts are encouraged to use and build on the jurisprudence arising from the judgement handed down by the International Criminal Court in the *Lubanga* case and to be guided by the measures that the Court has put in place related to child protection and child participation in judicial proceedings.**

67. **The Special Representative, encouraged by the continuing efforts of regional organizations to develop measures to ensure the mainstreaming of child protection concerns in activities related to conflict prevention, mediation and peace support operations, calls upon these regional organizations to fully implement the guidance developed.**

68. **In addition, the Special Representative encourages further engagement on the children and armed conflict agenda by other regional organizations with a view to developing awareness of and political commitment to the agenda, in addition to, where relevant, appropriate policy and operational guidance.**

69. **With regard to the use of explosive weapons in populated areas, the Special Representative urges Member States to take steps to reduce the impact of such weapons on children, including by:**

(a) **Refraining from using explosive weapons with wide-area effect in populated areas, including by revising and strengthening military policies and procedures, as necessary, and ensuring that all military operations are in compliance with international humanitarian law and underpinned by the principles of distinction, proportionality and precaution;**

(b) **Supporting the collection of data on the impact of explosive weapons on children, including by collecting and sharing such information with the United Nations;**

(c) **Ensuring that those using explosive weapons in contravention of international law are held accountable.**

70. **The Special Representative again urges all armed actors to review, as a matter of priority, the use of aerial attacks, including drones, and night raids so as to prevent incidental loss of civilian life, injury to civilians and damage to civilian objects.**

71. **With regard to the prevention of the recruitment and use of children, the Special Representative calls upon relevant Member States:**

(a) **To ensure enforcement of legislation prohibiting child recruitment and to strengthen community-based child protection mechanisms as a critical measure to prevent child recruitment;**

(b) **To develop prevention strategies, including through the provision of formal and/or informal education services to children and young people, in addition to the establishment of job-creation and income-generation programmes;**

(c) **To provide official development assistance to Governments in the implementation of prevention strategies.**

72. **The Special Representative reiterates her call for States to sign, ratify and/or accede to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and in so doing, to establish 18 years as the minimum age for voluntary recruitment into their armed forces when depositing their binding declaration (under article 3) upon ratification of the Optional Protocol.**

73. **The Special Representative encourages Member States to continue to support the mainstreaming of child protection in United Nations activities, both in field missions and at Headquarters, and to facilitate the authorization and timely deployment of child protection advisers in peacekeeping operations and special political missions, as appropriate.**